

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

OMAR MINUS,

Plaintiff,

-v-

OFFICER BRIAN BENVENUTO, SHIELD NO. 23866;
and OFFICER JOSEPH TENNARIELLO, SHIELD NO.
12821,

Defendants.

17-CV-4623 (JMF)

ORDER


JESSE M. FURMAN, United States District Judge:

On April 1, 2020, Defendants Brian Benvenuto and Joseph Tennariello filed a letter suggesting a new argument in advance of a claim of qualified immunity. Under other circumstances, the Court might reject the suggestion as an improper attempt to bring a second summary judgment motion. In light of the COVID-19 situation, the reality is that this case will not be tried for many months. Because of that, and given the nature of the qualified immunity defense, the Court concludes that it is in the interests of justice to allow Defendants to file a new summary judgment motion limited to the question of qualified immunity. Defendants shall do so by **April 17, 2020**; Plaintiff shall file any opposition by **May 15, 2020**; and Defendants shall file any reply by **May 22, 2020**. In the meantime, the Court will seek to determine if counsel who represented Plaintiff for the limited purpose of settlement, *see* ECF No. 82, would be willing to represent Plaintiff for purposes of the motion and/or trial and, if not, will seek to locate other counsel willing to take the case in the event that it goes to trial.

The Court will mail a copy of this Order and Defendants' April 1, 2020 letter (which, counsel indicates he is unable to mail) to Plaintiff.

SO ORDERED.

Dated: April 3, 2020
New York, New York


JESSE M. FURMAN
United States District Judge